



Intervention of CCIA at the 10th Session of the Committee on Development and Intellectual Property (CDIP), 14th November 2012

Mr. Chairman, the Computer & Communications Industry Association congratulates you and your vice-chairs on your re-election of this important Committee, and thanks the Secretariat for their hard work preparing this meeting.

Mr. Chairman, CCIA believes the Development Agenda and the larger commitment of WIPO to mainstreaming development concerns into its work is critical. We actively supported the development agenda when it was first proposed and we continue to support it today.

With respect to improvements to the transparency, accountability, and governance of WIPO's technical assistance activities - and to WIPO's activities in general - CCIA has been a leading private sector voice, from our OpEd in IP Watch entitled "How to Reboot WIPO" to our interventions at the recent Assemblies of WIPO and discussions with member-states across all regions.

There is no doubt that developing countries have been leading on reform, most recently in document CDIP/9/16. We believe that increasing transparency, accountability, and good governance are of shared value to all stakeholders. We hope that we will see developed countries partnering with developing countries to come to agreement on a package of improvements.

We would like to offer our thoughts on a number of proposals in CDIP/9/16:

Section A, Relevance and Orientation, Section B, Programme and Budget, and Section H, Assessing Impact, Monitoring & Evaluation

We believe these sections are essential - but we suggest the Secretariat should not develop the guidelines and processes alone. All of this has already been done by the UN's development agencies. Why reinvent the wheel? In this context, we welcome the suggestion by Group B, and supported by others, to dedicate a full day to the study of best practices in development assistance at the next CDIP. Another benefit to adopting best practices is that it will allow external analysis of WIPO's activities alongside those of other agencies on a "like for like" basis: WIPO estimates that 21% of its budget is devoted to development assistance, yet an OECD review of all UN agencies and their development assistance activities found that only 3% of WIPO's work was development related. As has been noted by a number of delegates, this is in large part because WIPO does not budget, plan, execute, review, or define these activities in any way that allows for it to be looked at alongside these same activities at other agencies.



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Section D, Human Resources:

On paragraph 2: We believe this review should go further, and not just apply to development activities, but to all of WIPO's work.

Section E, "Experts and Consultants":

We believe the recommendations here are key, however, we believe they should be broader. For example, in paragraph 1, there's no need to limit this to development activities; it should apply across the board.

Mr. Chairman, the advice WIPO gives to member-states on changes to legal systems is of critical importance to all stakeholders and can have a dramatic impact - including unintended consequences. It is essential to disclose the credentials and expertise of those upon whom WIPO relies, both internal and external, to develop its advice - and to publish the results, though we understand that some countries may wish to have the name of the recipient country redacted.

Section F, Transparency and Communication:

We support this entire section, with two suggestions:

- 1 The measures called for should apply across-the board not just to development-related activities. In that vein, the reporting back would be to each of the relevant WIPO committees, rather than just to CDIP.
- 2 With respect to paragraph 4, it doesn't seem useful to limit the engagement in the first instance to the local missions; the information in question should be on the website; where direct communications with countries is done. Why not ensure both capitals and local missions are copied in?

Section J, Legislative and Regulatory Assistance

Paragraph 1: We believe all advice should be posted, rather than what paragraph 1 suggests, though a facility to allow countries to redact their name so that the advice isn't clearly linked to them may be desired by some countries.

With respect to the independent reviews in this section, we suggest that this should apply across-the-board, rather than just to development, and that would



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then make unnecessary some of the specific development-related language which we understand is a point of contention.

A final point, Mr Chairman: a proposal has been made by some developed countries for a day adjacent to the Assemblies in 2013 where industry stakeholders' activities and needs would be highlighted without equal treatment for all stakeholders. For what it is worth, we didn't ask for this. We don't know of anyone from industry that did. In our view, as we said at the Assemblies, granting any single group of non-governmental stakeholders special treatment would damage WIPO's credibility. What is needed - and has not yet been proposed - is a global, inclusive, transparent consultation with the non-governmental community to hear what it believes it needs and how it could better engage with WIPO and member-states, without compromising the fundamental dynamic, that it is for member states to propose and agree, and for everyone else to advise and comment.

Thank you for the opportunity to be heard Mr. Chairman.